

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

WILLIAM D. LONON,

Petitioner,

v.

**Civil Action No. 3:07-CV-21
(Bailey)**

**WARDEN, NORTHERN REGIONAL
JAIL AND CORRECTIONAL
FACILITY, PRISON SIDE,**

Respondent.

ORDER DENYING MOTION FOR EXTENSION OF TIME

On this day, the above-styled matter came before the Court upon consideration of the petitioner's Motion for Extension of Time [Doc. 10]. In his motion, the petitioner seeks leave to file his objections to Magistrate Judge James E. Seibert's Report and Recommendation [Doc. 6]. The Report and Recommendation ("R & R") was filed on May 8, 2007, and objections were due by May 22, 2007. No objections were filed. Accordingly, this Court reviewed the R & R for clear error and, finding no such error, adopted the magistrate judge's recommendations [Doc. 8]. As such, the petition was dismissed. Months later, the petitioner files this motion.

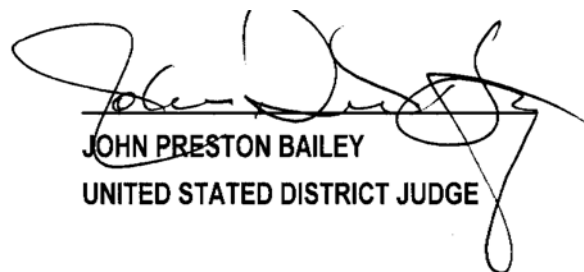
The Court acknowledges the fact that the petitioner never did receive the magistrate's R & R [See Doc. 7] and that he did not even become aware of that filing until he received the Order adopting the recommendations. Upon review of the Court's docket, it appears these documents had been mailed to the Northern Regional Jail in Moundsville, WV, as that was the petitioner's last known address at the time. The docket further reflects

that no forwarding address appeared on the BOP or Regional Jail's websites. Unbeknownst to the Court, the petitioner was being housed at Steven's Facility in Welch, West Virginia. The Clerk, however, was not notified of any change of address until the petitioner filed this latest motion [Doc. 10]. As such, these prior documents were returned as undeliverable.

This Court cannot be burdened with the task of performing its own investigation into the current addresses of these petitioners. Rather, the duty rests upon the petitioner to keep the Court informed on such matters. Accordingly, it is the opinion of this Court that the petitioner's Motion for Extension of Time [Doc. 10] should be, and is, hereby **DENIED**.

It is so **ORDERED**.

DATED: January 24, 2008.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE